

The Daily Independent (Ashland, Kentucky)

Distributed by McClatchy-Tribune Business News

September 16, 2008 Tuesday

Rock legal battle still on

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SECTION: STATE AND REGIONAL NEWS

LENGTH: 544 word

Sep. 16--GREENUP -- The attorney for the Ohio man accused of stealing a historic rock from the Ohio River last summer has requested that a Portsmouth lawyer be admitted to the case as a member of the defense team.

The prosecutor is fighting that effort.

Greenup Commonwealth's Attorney Clifford Duvall has filed an objection to defense attorney Michael Curtis' motion to have Portsmouth lawyer David Beck join the case as co-counsel for Steven R. Shaffer.

Shaffer, 51, of Ironton, is scheduled to stand trial Oct. 16 in Greenup Circuit Court on a charge of unlawfully removing an object of antiquity. He headed the expedition that removed an 8-ton boulder known as Indian Head Rock from the river.

The charge is a Class D felony, meaning Shaffer could be sentenced to one to five years in prison if he is convicted.

Shaffer, who is free on a \$5,000 signature bond, has pleaded not guilty to the charge.

Duvall said he opposes Beck's admission to the case because Beck represented one of the witnesses, William Glockner of Portsmouth, when Glockner was subpoenaed to appear before the Greenup County grand jury investigating the rock's removal.

Glockner and Portsmouth Mayor James Kalb both challenged their grand jury subpoenas, claiming that they both were circumstantial, rather than material witnesses, because neither actually saw the rock being extracted from the water. However, Scioto County Common Pleas Court Judge William Marshall eventually ruled that both men were material witnesses and would have to testify.

Beck also is a law partner of Ohio Rep. Todd Book, who has been a vocal opponent of Kentucky officials' efforts to seek criminal charges against those responsible for the rock's removal and to have the boulder returned to Kentucky.

Judge Bob Conley scheduled a hearing on Curtis' motion for 1 p.m. Thursday.

A second man indicted in the rock case, David G. Vetter, 54, of Portsmouth, is scheduled to be arraigned on Sept. 25. Vetter, a member of the dive team that floated the rock to the surface of the river, faces the same charge as Shaffer.

Indian Head Rock, which was registered with the University of Kentucky as a protected archeological object in 1986, was once a navigation marker and an attraction for local residents, who would walk out into the river and carve their initials on it when the water was low. However, the boulder had remained mostly under water since the 1920s.

The rock bears the initials of some of Portsmouth's earliest settlers, along with a crude carving that resembles a face.

The removal of the rock from the river triggered a dispute between elected officials in Ohio and Kentucky. Lawmakers in Kentucky have called for its return, while those in Ohio have argued that the rock is more germane to Portsmouth's history than it is to Kentucky's and rightfully belongs in the Buckeye State.